Form NLRB - 501 (3-21)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### **CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE
Case Date Filed

27-CA-292778 03/21/2022

File an original with NLRB Regional Director for the		
a. Name of Employer	MPLOYER AGAINST WHOM CHARGE IS BRO	b. Tel. No.
Pacific Corp. d/b/a Rocky Mountain Power		(888)221-7070
		c. Cell No (b) (6), (b) (7)(C)
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. rax No.
415 N Street, Rock Springs, WY	(b) (6), (b) (7)(C)	
82901		g. e-mail
		(0) (0), (0) (7)(0)
		h. Number of Workers Employed
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify Principal Product or Service	
Office and Electric Company	Utilities Company	
I. The above-named employer has engaged in and is	engaging in unfair labor practices within the mea	aning of section 8(a), subsections (1) and (3) of the
National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the	practices are practices affecting commerce within	the meaning of the Act, or these unfair labor
2. Basis of the Charge (set forth a clear and concise	statement of the facts constituting the alleged uni	fair labor practices)
During the past six months, the above-n		
exercise of their rights under Section 7 of	of the National Labor Relations Act, by it	is actions, including, but not limited to,
discharging its employees, including, but		
activities; and has discriminated in regal		
encourage or discourage membership if employees, including, but not limited to		cluding, but not limited to, discharging its
bargaining agreement. By the above an		
coerced employees in the exercise of th	eir rights under Section 7 of the Nationa	al Labor Relations Act.
3. Full name of party filing charge (if labor organization) (b) (6), (b) (7)(C)	on, give full name, including local name and numb	per)
4a. Address (Street and number, city, state, and ZIP (b) (6), (b) (7)(C)	code)	4b. Tel. No.
	•	4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		10. o mail
		(b) (6), (b) (7)(C)
Full name of national or international labor organization)	ation of which it is an affiliate or constituent unit (	to be filled in when charge is liled by a tabor
6. DECLA	RATION	Tel. No.
	nd that the statements are true to the best of my e and belief.	
(b) (6), (b) (7)(C) knowledge		Office, if any, Cell No.
	(b) (6), (b) (7)(C) <sub>an Individual</sub>	(b) (6), (b) (7)(C)
on making cha		Fax No.
(b) (6), (b) (7)	(C) Date: 3-18-2022	(b) (6), (b) (7)(C)
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### WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294 Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249



March 23, 2022

(b) (6), (b) (7)(C)

Pacificorp/Rocky Mountain Power 415 North Street Rock Springs WY 82901-6793

Re: Pacificorp/Rocky Mountain Power

Case 27-CA-292778

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Samper

### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM 1	NLRB-5081	NATIONAL LABOR REI	ATIONS BOARD			
(3		ONNAIRE ON COMM	ERCE INFORMATION			
Please	read carefully, answer all applicable items, and ret	urn to the NLRB Office. If add	tional space is required, please add	d a page and i	dentify item number.	
	NAME		, p	<del></del>	NUMBER	
				27-CA	-292778	
1. EX	ACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or stated in leg	al documents forming entity)			
2.	TYPE OF ENTITY					
[]C	ORPORATION [] LLC [] LLP []	PARTNERSHIP [] SC	LE PROPRIETORSHIP [ ] (	OTHER (Spe	ecify)	
3. IF	A CORPORATION or LLC					
A. ST	ATE OF INCORPORATION	B. NAME, ADDRESS, AN	D RELATIONSHIP (e.g. parent,	subsidiary) C	F ALL RELATED EN	VTITIES
OR	FORMATION					
4 IF	AN LLC OR ANY TYPE OF PARTNERSHI	 	RESS OF ALL MEMBERS OR	PARTNERS		
22						
5. IF	A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROP	RIETOR			
6. Bl	RIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products	handled or manufactured, or natu	re of services	s performed).	
7A. P	PRINCIPAL LOCATION:	7B. BRAN	CH LOCATIONS:			
8. N	UMBER OF PEOPLE PRESENTLY EMPLO	YED				
I	A. TOTAL:	B. AT THE ADDRESS IN	VOLVED IN THIS MATTER:			
	A. TOTAL: URING THE MOST RECENT (Check the appr			FISCAL YEA		)
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print) DATE SIGNATURE E-MAIL ADDRESS

### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

PACIFICORP/ROCKY MOUNTAIN POWER	
Charged Party	
and	Case 27-CA-292778
(b) (6), (b) (7)(C)	
Charging Party	
	I
AFFIDAVIT OF SERVICE OF CHARGE AGAI	NST EMPLOYER
I, the undersigned employee of the National Labor Re March 23, 2022, I served the above-entitled document following persons, addressed to them at the following	nt(s) by post-paid regular mail upon the
(b) (6), (b) (7)(C) Pacificorp/Rocky Mountain Power 415 North Street Rock Springs WY 82901-6793	
March 23, 2022	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
-	Signature

### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249



**NLRB** Mobile App

March 23, 2022



**REGION 27** 

Denver, CO 80294

Byron Rogers Federal Office Building

1961 Stout Street, Suite 13-103

Pacificorp/Rocky Mountain Power Re:

Case 27-CA-292778

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 21, 2022 has been docketed as case number 27-CA-292778. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Sanger

### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

Pacificorp/Rocky Mountain Power	
and Individual	CASE 27-CA-292778  Pacific Corp. d/b/a Rocky Mountain Power
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Pacificorp/Rocky Mountain Power	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VIOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
Scott E Ortiz	
159 North Wolcott, #400	
Casper WY	
E-MAIL ADDRESS: ccorbin@wpdn.net	
OFFICE TELEPHONE NUMBER: 3072650700136	
CELL PHONE NUMBER:	3072662306 _FAX:
SEO	
SIGNATURE:	
(Please sign in ink.) DATE: Friday, April 8, 2022 2:07 PM Mountain Standard Time	

 $<sup>^1</sup>$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

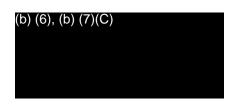


# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

June 28, 2022



Re: Pacific Corp. d/b/a Rocky Mountain Power Case 27-CA-292778

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Pacific Corp. d/b/a Rocky Mountain Power (Employer) has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer discharged you because you engaged in protected concerted and/or union activity in violation of Sections 8(a)(1) and (3) of the Act. However, the investigation produced insufficient evidence that you engaged in protected concerted or union activity. You were engaged in discussions with an entity that was not your employer about an issue you believed would affect nearby homeowners and others. Even though you stated a concern for utility workers having to go over a fence to service power lines, there is insufficient evidence that there were any discussions with coworkers about this issue, and insufficient evidence you were bringing this issue to your Employer to address your terms and conditions of employment. Accordingly, I am refusing to issue complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <a href="www.nlrb.gov">www.nlrb.gov</a>. See <a href="www.nlrb.gov">User Guide</a>. A video demonstration which provides <a href="step-by-step instructions">step-by-step instructions</a> and frequently asked questions are also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. If you require additional assistance with E-Filing, please contact <a href="mailto:e-Filing@nlrb.gov">e-Filing@nlrb.gov</a>.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 12, 2022. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 11, 2022. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 12, 2022.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 12, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Sanger

Enclosure

cc: (b) (6), (b) (7)(C)

Pacific Corp. d/b/a Rocky Mountain Power

415 North Street

Rock Springs, WY 82901-6793

(b) (6), (b) (7)(c) @rockymountainpower.net (b) (6), (b) (7)(c) @pacificcorp.com Scott E. Ortiz Williams Porter Day & Neville Wyoming Law Firm 159 North Wolcott #400 Casper, WY 82601 sortiz@wpdn.net

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to ssue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)	
(Signature)	

#### **E-FILING TO APPEALS**

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

r	FORM EXEMPT UNDER 44 U.S.C 3512
DO NOT WRIT	E IN THIS SPACE
Case	Date Filed
27-CB-292781	03/21/2022

INSTRUCTIONS: File an original with NLRB Regional Director for the	e region in which the alleged t	ınfair labor pr	actice occurre	ed or is occurring.
1. LABOR ORGANIZATION OR IT	S AGENTS AGAINST WHICH			
a. Name Utility Workers Union of America AFL-CłO Local 127		(b) (6), (b) (7	presentative ((C) . (b) (7)(C)	to contact
c. Address (Street, city, state, and ZIP code)		d. Tel. No. (307) 237-2	614	e. Celi No.
540 N. Warehouse Road WY Casper 82601		f. Fax No.		g. e-Mail office@uwua127.com
h. The above-named labor organization has engaged in and is engaged (1)(A),(3) are practices affecting commerce within the meaning of the Act, or the Act and the Postal Reorganization Act.	of the Nati	onall abor Do	lations Act a	nd those unfair labor sensitors
2. Basis of the Charge (set forth a clear and concise statement of the	ne facts constituting the allege	d unfair labor	practices)	
See additional page				
3. Name of Employer		4a. Tel. No.		b. Cell No.
Pacificorp/Rocky Mountain Power, Rock Springs, WY District		(307) 352-52		(307) 212-0850
		c. Fax No.		d. e-Mail dean.long@rockymountainpower.net
5. Location of plant involved (street, city, state and ZIP code)	The state of the s		6. Employe	r representative to contact
415 N Street WY Rock Springs 82901-6793			(b) (6), (b) (7)(	
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product	or service	9. Number	of workers employed
10. Full name of party filing charge  (b) (6), (b) (7)(C)		11a, Tel. No. (b) (6), (b) (7) c. Fax No.	)(C)	b. Cell No. (b) (6), (b) (7)(C) d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)		(b) (6), (b) (7		(b) (6), (b) (7)(C)
12. DECLARATION  I declare that I have read the above charge and that the statements are true to the (b) (6), (b) (7)(C)	best of my knowledge and belief., b) (6), (b) (7)(C)		No (b) (6), (b	
	name and title or office, if any,	Fax	<sup>No</sup> (b) (6), (b	) (7)(C)
(b) (6), (b) (7)(C)	(date) 03/16/2022.0	e-Ma	ail	), (b) (7)(C)
The state of the s				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### Basis of the Charge 27-CB-292781 03/21/2022

### 8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

### 8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

March 23, 2022

(b) (6), (b) (7)(C)

Utility Workers Union of America AFL-CIO Local 127 540 North Warehouse Road Casper WY 82601

Re: Utility Workers Union AFL-CIO Local 127

(Pacificorp/Rocky Mountain Power, Rocky

Springs WY District Case 27-CB-292781

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

Utility Workers Union AFL-CIO Local 127 - 2 - (Pacificorp/Rocky Mountain Power, Rocky Springs, WY District Case 27-CB-292781

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

Utility Workers Union AFL-CIO Local 127 - 3 - (Pacificorp/Rocky Mountain Power, Rocky Springs, WY District Case 27-CB-292781

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Samper

Enclosure: Copy of Charge

### **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

UTILITY WORKERS UNION AFL-CIO LOCAL
127 (PACIFICORP/ROCKY MOUNTAIN
POWER, ROCKY SPRINGS WY DISTRICT

**Charged Party** 

and

(b) (6), (b) (7)(C)

**Charging Party** 

Case 27-CB-292781

### AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 23, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Utility Workers Union of America AFL-CIO Local 127 540 North Warehouse Road Casper WY 82601

March 23, 2022	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
	Signature



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

March 23, 2022

(b) (6), (b) (7)(C)

Pacificorp/Rocky Mountain Power 415 North Street Rock Springs WY 82901-6793

Re: Utility Workers Union AFL-CIO Local 127

(Pacificorp/Rocky Mountain Power, Rocky

Springs, WY District Case 27-CB-292781

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

Utility Workers Union AFL-CIO Local 127 - 2 - (Pacificorp/Rocky Mountain Power, Rocky Springs, WY District Case 27-CB-292781

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paula S. Sanger

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 NATIONAL LABOR RELATIONS BOARD (3-11)					
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and ret	urn to the NLRB Office. If additi	onal space is required, ple	ase add a page ar	nd identify item number.	
CASE NAME  CASE NUMBER 27-CB-292781					
1. EXACT LEGAL TITLE OF ENTITY (As filed wi	ith State and/or stated in lega	l documents forming en		22 272701	
The Branch Brond Title of Extrict (120 med 11)	Market many of States in Alga	i nocumento ror ming cu	,		
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP []	PARTNERSHIP [ ] SOL	E PROPRIETORSHIP	[ ] OTHER (S	Specify )	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, ANI	RELATIONSHIP (e.g. 1	parent, subsidiary	) OF ALL RELATED E	NTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP	 P. FULL NAME AND ADDR	ESS OF ALL MEMBER	RS OR PARTNE	RS	
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5. IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROPE	IETOK			
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6. BRIEFLY DESCRIBE THE NATURE OF YOU	K OPERATIONS (Products n	anaiea or manujacturea,	or nature of servi	ices performea).	
7A. PRINCIPAL LOCATION:	7B. BRANC	CH LOCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPLOY	VED				
A. TOTAL:					
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### PRIVACY ACT STATEMENT

E-MAIL ADDRESS

DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

March 23, 2022



Re: Utility Workers Union AFL-CIO Local 127

(Pacificorp/Rocky Mountain Power, Rocky

Springs, WY District Case 27-CB-292781

### Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 21, 2022 has been docketed as case number 27-CB-292781. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

Utility Workers Union AFL-CIO Local 127 - 2 - (Pacificorp/Rocky Mountain Power, Rocky Springs, WY District Case 27-CB-292781

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER

Paule S. Sanger

Regional Director

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

Utility Workers Union of America AFL-CIO Local 127	
(b) (6), (b) (7)(C)	CASE 27-CB-292781
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT	IVE OF
Utility Workers Union of Amercia AFL-CIO Local 127	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VI DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
CASEHANDLING MANUAL.	
(REPRESENTATIVE INFOR	MATION)
M. Jeanette Fedele / The Kelman Buescher Firm	
MAILING ADDRESS: 600 Grant Street, Suite 825, Denver, CO 8	30203
E-MAIL ADDRESS: jfedele@laborlawdenver.com	
OFFICE TELEPHONE NUMBER: (303) 333-7751	
CELL PHONE NUMBER:	_FAX:_ (303) 333-7758
SIGNATURE: ADCUL	
DATE: (Please sign in ink.) 4/7/2022	

 $<sup>^{\</sup>rm 1}$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

June 28, 2022



Re: Utility Workers Union AFL-CIO Local 127

(Pacific Corp. d/b/a Rocky Mountain

Power)

Case 27-CB-292781

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Utility Workers Union of America, Local 127, AFL-CIO(Union) has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge first alleges that the Union refused to process a grievance over your discharge in violation of Section 8(b)(1)(A) of the Act. However, the evidence indicates that the Union filed and processed a grievance on your behalf and informed you of its status. The fact that you were dissatisfied with your employer's settlement offer and the Union's determination not to proceed to arbitration do not constitute an unfair labor practice.

In addition, your charge alleges a violation of Section 8(b)(3), that the Union failed to bargain in good faith with the employer. There is neither a basis for you to make such a claim as an individual employee nor is there evidence to support such a claim. Accordingly, I am refusing to issue complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <a href="www.nlrb.gov">www.nlrb.gov</a>. See <a href="www.nlrb.gov">User Guide</a>. A video demonstration which provides <a href="step-by-step instructions">step-by-step instructions</a> and frequently asked questions are also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. If you require additional assistance with E-Filing, please contact <a href="mailto:e-Filing@nlrb.gov">e-Filing@nlrb.gov</a>.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the

National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 12, 2022. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 11, 2022. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 12, 2022.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 12, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

PAULA S. SAWYER Regional Director

Paula S. Sange

Enclosure

### cc: (b) (6), (b) (7)(C)

Utility Workers Union of America, Local 127, AFL-CIO 540 N Warehouse Road Casper, WY 82601-1730

### (b) (6), (b) (7)(C)

M. Jeanette Fedele, Esq. The Kelman Buescher Firm, P.C. 600 Grant St., Ste. 825 Denver, CO 80203 <u>ifedele@laborlawdenver.com</u>

### (b) (6), (b) (7)(C)

Pacific Corp. d/b/a Rocky Mountain Power 415 North Street Rock Springs, WY 82901-6793 (b) (6). (b) (7)(C) @rockymountainpower.net (b) (6). (b) (7)(C) @pacificcorp.com

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is here National Labor Relations Board from the action issue a complaint on the charge in	•
Case Name(s).	
Case No(s). (If more than one case number, inclutaken.)	ude all case numbers in which appeal is
	(Signature)

#### **E-FILING TO APPEALS**

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		27-CB-293931	4/12/2022
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice			
occurred or is occurring.  1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name		b. Union Representative to Contact	
		b. Official representative to Contact	
Utility Workers Union of America, Local 127, AFL-CIO		(b) (6), (b) (7)(C)	
c. Address		d. Tol. No. (b) (7)(C)	e. Cell No.
540 Warehouse Rd			
Casper, WY 82601		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C) agmail.com
			(b) (b) (r)(c) agmail.com
<ul> <li>h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</li> <li>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</li> <li>Within the last six months, the above-named labor organization restrained and coerced employees by retaliating against (b) (6), (b) (7)(C) because discovered financial irregularities by the Union and because filed a Board charge against the Union, in violation of Section 8(b)(1)(A) of the Act.</li> </ul>			
Name of Employer     PacifiCorp - Jim Bridger Power Plant		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Diant involved (atract situatete and 7/D ands)		0 = 1	
5. Location of Plant involved (street, city, state, and ZIP code)  DO Box 159, Doint of Dooles, VAN 92042		6. Employer representative	to contact
PO Box 158, Point of Rocks, WY 82942	9 Dringing product	or contine	T 0 N - 1 - 1 - 1
7. Type of Establishment (factory, mine, wholesaler) 8. Principal product		or service	Number of Workers employed
Power plant electricity		F 4 2 - 1 3 1	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11(b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code)			
(b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C)			
Tol No			
(b) (6), (b)		(7)(C)	(b) (6), (b) (7)(C)
(signature or representative or person making charge) Print/type nan		ne and title or office, if any	Cell No (b) (6), (b) (7)(C)
Address:		Date:	Fax No.
(b) (b) (1)(C)			
		4-12-22	e-Mail (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

Agency Website: www.nlrb.gov
Telephone: (303)844-3551
Fax: (303)844-6249

Download NLRB Mobile App

April 13, 2022

(b) (6), (b) (7)(C)
Utility Workers Union of

Utility Workers Union of America, Local 127, AFL-CIO 540 N Warehouse Road Casper, WY 82601

Re: Utility Workers of America, Local 127,

AFL-CIO (PacifiCorp - Jim Bridger Power

Plant)

Case 27-CB-293931

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Sanger

Enclosure: Copy of Charge

#### **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

UTILITY WORKERS OF AMERICA, LOCAL
127, AFL-CIO (PACIFICORP - JIM BRIDGER
POWER PLANT)

**Charged Party** 

and

(b) (6), (b) (7)(C)

**Charging Party** 

Case 27-CB-293931

#### AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 13, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Utility Workers Union of America, Local 127, AFL-CIO 540 N Warehouse Road Casper, WY 82601

April 13, 2022	Ariel York Designated Agent of NLRB
Date	Name
	/s/Ariel York
	Signature



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

April 13, 2022

PacifiCorp-Jim Bridger Power Plant P.O. Box 158 Point of Rocks, WY 82942

Re: Utility Workers of America, Local 127,

AFL-CIO (PacifiCorp - Jim Bridger Power

Plant)

Case 27-CB-293931

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

Plant) Case 27-CB-293931

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

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receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

- 3 -

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

PAULA S. SAWYER Regional Director

Paule S. Sanger

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081	NATIONAL LABOR RELA	TIONS BOARI	)				
QUESTIONNAIRE ON COMMERCE INFORMATION							
Please read carefully, answer all applicable items, and ret				e and i	dentify item number.		
CASE NAME					NUMBER		
Utility Workers of America, Local 127, AFL-CIO (Paci	fiCorp - Jim Bridger Power Plan	ıt)		27-CB-	293931		
1. EXACT LEGAL TITLE OF ENTITY (As filed wi	th State and/or stated in legal	documents forn	ning entity)				
2. TYPE OF ENTITY							
	PARTNERSHIP [ ] SOLE	PROPRIETOR	SHIP [ ] OTHE	R (Spe	cify)		
3. IF A CORPORATION or LLC	D MANE ADDRESS AND	DEL ATIONOLI	T) ( ) ( )		E ALL DELATEDE	NAME OF THE O	
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND	RELATIONSHI	P (e.g. parent, subsid	іагу) О	F ALL RELATED E	NTTTES	
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP	P, FULL NAME AND ADDRE	SS OF ALL MI	EMBERS OR PART	NERS			
5. IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROPRI	ETOR					
6. BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products ha	ndled or manufa	ctured, or nature of s	ervices	performed).		
7A. PRINCIPAL LOCATION:	7B. BRANCI	H LOCATIONS	S:				
2001201	721 214210	200122011					
8. NUMBER OF PEOPLE PRESENTLY EMPLOY	/ED						
A. TOTAL:	B. AT THE ADDRESS INVO	LVED IN THIS	MATTER:				
9. DURING THE MOST RECENT (Check the appr	opriate box): [ ] CALENDAR	[ ] 12 MONT	THS or [] FISCA	L YE	AR (FY DATES		_)
	00.4:	G 0. TO			YES	NO	
A. Did you provide services valued in excess of \$50,0	00 directly to customers outside	your State? If n	o, indicate actual vali	ie.			
B. If you answered no to 9A, did you provide services	valued in excess of \$50,000 to o	ustomers in you	r State who purchase	d			
goods valued in excess of \$50,000 from directly out	side your State? If no, indicate t	he value of any	such services you				
provided. \$	services valued in excess of \$50	000 to public uti	lities transit systems				
newspapers, health care institutions, broadcasting st		_					
If less than \$50,000, indicate amount. \$							
D. Did you sell goods valued in excess of \$50,000 dire amount. \$	ctly to customers located outside	your State? If le	ess than \$50,000, ind	icate			
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who							
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.							
\$						1	
E Did you numbers and receive goods valued in are	ass of \$50 000 from dispatly out	vida vane Stata?					
F. Did you purchase and receive goods valued in exc indicate amount. \$	ess of \$50,000 from directly out	side your State?					
indicate amount. \$  G. Did you purchase and receive goods valued in exc	ess of \$50,000 from enterprises		If less than \$50,000	,			
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the	If less than \$50,000	,			
G. Did you purchase and receive goods valued in excepoints outside your State? If less than \$50,000, in H. Gross Revenues from all sales or performance of the state of the st	ess of \$50,000 from enterprises dicate amount. \$	who received the	If less than \$50,000 goods directly from	,			
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the	If less than \$50,000 goods directly from	,			
indicate amount. \$  G. Did you purchase and receive goods valued in excepoints outside your State? If less than \$50,000, in  H. Gross Revenues from all sales or performance of [ ] \$100,000 [ ] \$250,000 [ ] \$500,000 [  I. Did you begin operations within the last 12 months.	ess of \$50,000 from enterprises dicate amount. \$	who received the	If less than \$50,000 goods directly from dicate amount.	,	VE BARGAINING		
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the	If less than \$50,000 goods directly from dicate amount.	,	VE BARGAINING?		
indicate amount. \$  G. Did you purchase and receive goods valued in excepoints outside your State? If less than \$50,000, in H. Gross Revenues from all sales or performance of [] \$100,000 [] \$250,000 [] \$500,000 [  I. Did you begin operations within the last 12 mon to the performance of the performance of the performance of [] YES [] NO (If yes, name and address of the performance of the per	ess of \$50,000 from enterprises dicate amount. \$	who received the unt) han \$100,000, in	If less than \$50,000 goods directly from adicate amount.	LECTI	VE BARGAINING?		
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the unt) han \$100,000, in	If less than \$50,000 goods directly from adicate amount.	LECTI	VE BARGAINING?		
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the unt) han \$100,000, in	If less than \$50,000 goods directly from adicate amount.	LECTI			
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the unt) han \$100,000, in ROUP THAT E ON ABOUT YO E-MAIL ADD	If less than \$50,000 goods directly from adicate amount.	LECTI			
indicate amount. \$	ess of \$50,000 from enterprises dicate amount. \$	who received the unt) han \$100,000, in ROUP THAT E ON ABOUT YO E-MAIL ADD	If less than \$50,000 goods directly from adicate amount.	LECTI S			

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## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

April 13, 2022



Re: Utility Workers of America, Local 127, AFL-CIO (PacifiCorp - Jim Bridger Power

Plant)

Case 27-CB-293931

## Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on April 12, 2022 has been docketed as case number 27-CB-293931. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

- 2 -

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

Very truly yours,

We can provide assistance for persons with limited English proficiency or disability.

Please let us know if you or any of your witnesses would like such assistance.

PAULA S. SAWYER

Paula S. Sanger

Regional Director

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

Utility Workers Union of America AFL-CIO Local 127	
and (b) (6), (b) (7)(C)	CASE 27-CB-293931
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATE	IVE OF
Utility Workers Union of America AFL-CIO Local 127	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WE DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
CASEHANDLING MANUAL.	IS AS DESCRIBED IN SEC. III-48.5 OF THE
(REPRESENTATIVE INFORM	MATION)
M. Jeanette Fedele / The Kelman Buescher Firm	
MAILING ADDRESS: 600 Grant Street, Suite 825, Denver, CO 80	203
E-MAIL ADDRESS: jfedele@laborlawdenver.com	
OFFICE TELEPHONE NUMBER: (303) 333-7751	
CELL PHONE NUMBER:	<sub>_FAX:</sub> (303) 333-7758
SIGNATURE: MACULE	2

 $<sup>^{\</sup>rm 1}$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

May 10, 2022

M. Jeanette Fedele, Esq. The Kelman Buescher Firm PC 600 N Grant St Ste 825 Denver, CO 80203-3518 jfedele@laborlawdenver.com

> Utility Workers of America, Local 127, Re:

> > AFL-CIO

(PacifiCorp - Jim Bridger Power Plant)

Case 27-CB-293931

Dear Ms. Fedele:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

PAULA S. SAWYER

Paula S. Sanger

Regional Director

(b) (6), (b) (7)(C) cc:

> Utility Workers Union of America, Local 127, AFL-CIO 540 N Warehouse Road Casper, WY 82601-1730

(b) (6), (b) (7)(C)

PacifiCorp-Jim Bridger Power Plant P.O. Box 158 Point of Rocks, WY 82942

(b) (6), (b) (7)(C)

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

and Individual	CASE 27-CB-293931  Utility Workers of America, Local 127, AFL-CIO (PacifiCorp - Jim Bridger Power Plant)
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Rocky Mountain Power	TIVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY OF DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
Scott E Ortiz	·
NAME:159 North Wolcott, #400  MAILING ADDRESS:Casper WY	
E-MAIL ADDRESS: ccorbin@wpdn.net	
OFFICE TELEPHONE NUMBER: 3072650700136	
CELL PHONE NUMBER:	3072662306 FAX:
ليون	
SIGNATURE:	
(Please sign in ink.) DATE: Thursday, May 12, 2022 1:29 PM Mountain Standard T	ime

 $<sup>^1</sup>$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-508 (3-21)

#### FORM EXEMPT UNDER 44 U.S.C 3512

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### **CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
27-CB-295348	5/6/2022		

INSTRUCTIONS: File an original with NLRB Regional Director for the	region in which the alleged u	ntair labor pra	ctice occurre	ed or is occurring.
1. LABOR ORGANIZATION OR ITS	AGENTS AGAINST WHICH			
a. Name		b. Union Rep	resentative	to contact
Utility Workers Union of America Local 127		(b) (6), (b) (7)(0	2)	
		Title: (b) (6	), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code)		d. Tel. No.	(C)	e. Cell No.
540 Warehouse Rd.		(b) (6), (b) (7)	(C)	g. e-Mail
WY Casper 82601		f. Fax No.		g. e-iviali
h. The above-named labor organization has engaged in and is engagin	ng in unfair labor practices wit	hin the meani	ng of section	8(b) and (list subsections)
(1)(A),(3) are practices affecting commerce within the meaning of the Act, or the	or the National Control of	e practices aff	auons Act, a ecting comm	and these unfair labor practices nerce within the meaning of
the Act and the Postal Reorganization Act.	·	<u> </u>		
2. Basis of the Charge (set forth a clear and concise statement of the	e facts constituting the alleged	d unfair labor p	oractices)	
See additional page				
See additional page				
3. Name of Employer		4a. Tel. No.		b. Cell No.
Jim Bridger Power Plant		(307) 352-42 c. Fax No.	204	d a Mail
		C. Fax No.		d. e-Mail
5. Location of plant involved (street, city, state and ZIP code)				er representative to contact
9 Miles East			Jay Wied	dler
WY Point of Rocks 82942				
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product	or service	9. Numbe	er of workers employed
10. Full name of party filing charge		11a. Tel. No.	-	b. Cell No.
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(	(C)	
		c. Fax No.		d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.)				(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)				
12. DECLARATION  I declare that I have read the above charge and that the statements are true to the	hest of my knowledge and helief	Tel.	No. (b) (6), (t	b) (7)(C)
(b) (6), (b) (7)(C) read the above shall go and that the statements are the first	(b) (6), (b) (7)(C)	Cell		T K K T
presentative or person making charge) (Print/type				
(i fillitype	mamo and the or office, it all	Fax	No.	
(b) (6) (b) (7)(C)		<u> </u>	1-21	
(b) (6), (b) (7)(C)			ali	
Address	DE/De/2022	10:10:49 AM		), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### **Basis of the Charge**

#### 8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

#### 8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

Download NLRB Mobile App

May 6, 2022

(b) (6), (b) (7)(C)

Utility Workers Union of America Local 127 540 Warehouse Rd. Casper, WY 82601

Re: Utility Workers Union of America Local

127 (Jim Bridger Power Plant)

Case 27-CB-295348

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and

withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LETICIA PEÑA

Acting Regional Director

Seticia Peña

Enclosure: Copy of Charge

### **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

UTILITY WORKERS UNION OF AMERICA LOCAL 127	
Charged Party	
and	Case 27-CB-295348
(b) (6), (b) (7)(C)	
Charging Party	

#### AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 6, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Utility Workers Union of America Local 127 540 Warehouse Rd. Casper, WY 82601

May 6, 2022	Ariel York
141ay 0, 2022	Designated Agent of NLRB
Date	Name
	/s/Ariel York
	Signature



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249 Download NLRB Mobile App

May 6, 2022

(b) (6), (b) (7)(C)

Jim Bridger Power Plant 9 Miles East Point of Rocks, WY 82942

Re: Utility Workers Union of America Local

127 (Jim Bridger Power Plant)

Case 27-CB-295348

### Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Ketriin Peña

LETICIA PEÑA

Acting Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081	NATIONAL LA	ABOR RELATIONS BOARI	D		
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and ret				d identify item number	
CASE NAME	uni to the NEKE O	mice. Il additional space is requ		E NUMBER	
Utility Workers Union of America Local 127 (Jim Brid	ger Power Plant)		27-0	B-295348	
1. EXACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or s	tated in legal documents for:	ning entity)		
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP []	PARTNERSHIP	[ ] SOLE PROPRIETOR	SHIP [ ] OTHER (S	pecify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADI	DRESS, AND RELATIONSH	IP (e.g. parent, subsidiary)	OF ALL RELATED E	NTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP	P FULL NAME	AND ADDRESS OF ALL M	FMRERS OR PARTNE	RS	
4. If All Electrical Title of Takin Electric	, I CEL MANE	AND ADDRESS OF ALL ME	EMBERS ORTAKITE		
5. IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS	OF PROPRIETOR			
6. BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS	S (Products handled or manufa	ctured, or nature of servi	ces performed).	
7A. PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS	S:		
8. NUMBER OF PEOPLE PRESENTLY EMPLOY	YED				
A. TOTAL:	B. AT THE AD	DRESS INVOLVED IN THIS	MATTER:		
9. DURING THE MOST RECENT (Check the appr	copriate box): [ ]	CALENDAR [ ] 12 MONT	THS or [] FISCAL Y	EAR (FYDATES	)
A Did	00 1:1	C4-4-2 If-	- :-4:4411	YES	NO
A. Did you provide services valued in excess of \$50,0 \$	00 directly to cust	omers outside your state? If it	o, indicate actual value.		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased					
goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you					
provided. \$	convices velved in	arassa of \$50,000 to public ut	ilitias transit systems		
newspapers, health care institutions, broadcasting st			•		
If less than \$50,000, indicate amount. \$					
D. Did you sell goods valued in excess of \$50,000 dire	ctly to customers l	located outside your State? If l	ess than \$50,000, indicate		
amount. \$  E. If you answered no to 9D, did you sell goods valued	l in excess of \$50	000 directly to customers locat	ed inside your State who		_
purchased other goods valued in excess of \$50,000:		_	-		
\$					
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000,					
indicate amount. \$					
points outside your State? If less than \$50,000, in	dicate amount. \$_		-		
H. Gross Revenues from all sales or performance of			T		
[]\$100,000 []\$250,000 []\$500,000 [			ndicate amount.	1	T
I. Did you begin operations within the last 12 mon			NG LOEG BY COLLEG	THE DADGARDING	
10. ARE YOU A MEMBER OF AN ASSOCIATION			ENGAGES IN COLLEC	TIVE BARGAINING	
[ ] YES [ ] NO (If yes, name and address of		**			
11. REPRESENTATIVE BEST QUALIFIED TO GI	TITLE	INFORMATION ABOUT YO E-MAIL ADD		TEL. NUMBER	
NAME	IIILE	E-MAIL ADD	KESS	IEL. NUMBER	
12. AUTHORIZED REPRESENTATIVE COMPLE		ESTIONNAIRE			
NAME AND TITLE (Type or Print)	SIGNATURE		E-MAIL ADDRESS	DATE	
	l				

#### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



# UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Download

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

NLRB Mobile App

May 6, 2022



Re: Utility Workers Union of America Local 127 (Jim Bridger Power Plant) Case 27-CB-295348

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 06, 2022 has been docketed as case number 27-CB-295348. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGIE BERENS whose telephone number is (720)598-7399. If this Board agent is not available, you may contact Supervisory Field Examiner MATTHEW S. LOMAX whose telephone number is (720)598-7405.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

LETICIA PEÑA

Keticin Peña

Acting Regional Director

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

Utility Workers Union of America AFL-CIO Local 127	
and (b) (6), (b) (7)(C)	CASE 27-CB-295348
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Utility Workers Union of America AFL-CIO Local 127	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY	
☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
M. Jeanette Fedele / The Kelman Buescher Firm	
NAME:600 Grant Street, Suite 825. Denver CO 80.	203
E-MAIL ADDRESS: jfedele@laborlawdenver.com	
OFFICE TELEPHONE NUMBER: (303) 333-7751	
CELL PHONE NUMBER:	<sub>FAX:</sub> (303) 333-7758
SIGNATURE:	

<sup>&</sup>lt;sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

REGION 27 Byron Rogers Federal Office Building 1961 Stout Street, Suite 13-103 Denver, CO 80294

Agency Website: www.nlrb.gov Telephone: (303)844-3551 Fax: (303)844-6249

July 25, 2022



Re: Utility Workers Union of America, Local 127 (Jim Bridger Power Plant) Case 27-CB-295348

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Utility Workers Union of America Local 127 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge essentially alleges that the Union breached its duty of fair representation by refusing to process a grievance over management's changes to the Employer's ash hauling practices. The investigation disclosed that the Union refused to file and process a grievance on your behalf based on its good-faith evaluation that the collective bargaining agreement allows the Employer to assign Yard Working Foremen the loading, unloading, and transporting of ash. The Union's decision was within its range of reasonableness and there is insufficient evidence that the Union's decision to file a grievance on your behalf was based on arbitrary, irrelevant, discriminatory, or invidious consideration. Additionally, there is insufficient evidence to establish that the Union violated Section 8(b)(2) of the Act as alleged in your charge. I am, therefore, refusing to issue complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <a href="www.nlrb.gov">www.nlrb.gov</a>. See <a href="www.nlrb.gov">User Guide</a>. A video demonstration which provides <a href="step-by-step instructions">step-by-step instructions</a> and frequently asked questions are also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. If you require additional assistance with E-Filing, please contact <a href="mailto:e-Filing@nlrb.gov">e-Filing@nlrb.gov</a>.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on August 8, 2022. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than August 6, 2022. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before August 8, 2022.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after August 8, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Isi Paula S. Sawyer

PAULA S. SAWYER Regional Director

Enclosure

(b) (6), (b) (7)(C) cc:

Utility Workers Union of America, Local 127 540 Warehouse Rd. Casper, WY 82601

M. Jeanette Fedele, Esq. The Kelman Buescher Firm, P.C. 600 Grant St Ste 825 Denver, CO 80203 jfedele@laborlawdenver.com

(b) (6), (b) (7)(C) Jim Bridger Power Plant 9 Miles East Point of Rocks, WY 82942

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to ssue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)	
(Signature)	

#### **E-FILING TO APPEALS**

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed before an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.